

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**STEPHANIE S. KNOTH**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO. 5:18-CV-49 DCB-MTP**

**APOLLO ENDOSURGERY US, INC., ET AL.**

**DEFENDANTS**

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**ORDER GRANTING (1) DEFENDANT  
APOLLO ENDOSURGERY US, INC.'S MOTION TO SEVER, AND (2)  
DEFENDANT SOUTHWEST MISSISSIPPI REGIONAL MEDICAL CENTER'S  
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

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Before the Court are two related motions: (1) Defendant Apollo Endosurgery US, Inc.'s ("Apollo") Motion to Sever [ECF No. 130], and (2) Defendant Southwest Mississippi Regional Medical Center's ("SMRMC") Motion to Dismiss for Lack of Subject Matter Jurisdiction [ECF No. 128] (collectively, the "Motions"). Plaintiff does not oppose either motion. After review, the Court finds that the Motions are well taken and will be granted.

IT IS, THEREFORE, ORDERED that, pursuant to Fed. R. Civ. P. 21, the Court will sever the action as to co-defendants Apollo and SMRMC, and the Court will retain jurisdiction over Plaintiff's case against Apollo through final judgment and appeal;

IT IS, THEREFORE, FURTHER ORDERED that, pursuant to Fed. R. Civ. P. 12(b)(1), Defendant SMRMC is dismissed *without prejudice* from this action for lack of subject matter jurisdiction.

SO ORDERED AND ADJUDGED, this the 16th day of September, 2020.

  /S\ David Bramlette    
UNITED STATES DISTRICT COURT JUDGE

Agreed to and submitted by:

/s/ David C. Dunbar

**Counsel for Plaintiff Stephanie Knoth**

/s/ R. Mark Hodges

**Counsel for Defendant Southwest Mississippi Regional Medical Center**

/s/ Adam D. Porter

**Counsel for Defendant Apollo Endosurgery US, Inc.**